

**REMARKS**

Claims 41-60 are pending in this application. Applicant has cancelled Claims 21-40, without prejudice, and Applicant has added new Claims 41-60. Applicant respectfully submits that the new Claims 41-60 do not contain new matter. Applicant further respectfully submits that the amendments to the Claims do not contain new matter.

Applicant has also deleted the Abstract Of The Disclosure and has substituted therefor the new Abstract Of The Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract Of The Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

## I. DEFINITIONS:

Applicant uses the phrase "at least one of . . . and . . ." in the claims. In all instances, the phrase "at least one of . . . and . . ." means only one item from the list, or any combination of items in the list.

Applicant respectfully submits that the phrase having the form "at least one of A and B", where each of A and B is either a term or a phrase, the phrase "at least one of A and B" means "only A, only B, or A and B". In instances in which three or more terms and/or phrases are present in an "at least one of . . . and . . ." phrase, Applicant provides the following example definitions: the phrase "at least one of A, B, and C" means "only A, only B, only C, or any combination of A, B, and C"; the phrase "at least one of A, B, C, and D" means "only A, only B, only C, only D, or any combination of A, B, C, and D"; the phrase "at least one of A, B, C, D, and E" means "only A, only B, only C, only D, only E, or any combination of A, B, C, D, and E", and so on.

Regarding independent Claims 41 and 55, the phrase "at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an

advertisement offering" means "only an advertisement space, only an advertisement rate, only a commission, only a referral fee, only a term or condition of an advertisement offering, or any combination of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering".

## II. THE 35 U.S.C. §103 REJECTIONS:

In the Office Action, mailed May 6, 2004, the Examiner rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Ross, Jr., et al, U.S. Patent No. 6,629,135 (Ross). In the Amendment and Response to Office Action, filed July 24, 2004, Applicant cancelled Claims 1-20, without prejudice, and Applicant added new Claims 21-40. As noted above, in this SUPPLEMENTAL AMENDMENT AND REPLY TO OFFICE COMMUNICATION MAILED NOVEMBER 3, 2004, Applicant has cancelled Claims 21-40, without prejudice, and Applicant has added new Claims 41-60. Applicant respectfully submits that the new Claims 41-60 do not contain new matter.

Applicant respectfully submits that the present invention, as defined by Claims 41-60, is patentable over the prior art.

IIA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 41-54, IS  
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claims 41-54, is patentable over the prior art.

IIA(1). CLAIM 41 IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by independent Claim 41, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 41, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of independent Claim 41 and, therefore, Ross does not disclose or suggest all of the features of independent Claim 41.

Applicant respectfully submits that Ross does not disclose or suggest an apparatus, comprising a database, wherein the database stores information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an

advertisement offering, offered by at least one content provider, and information for establishing an affiliated marketing relationship with the at least one content provider, and a receiver, wherein the receiver receives a query regarding an available at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, wherein the query is transmitted from a communication device or computer associated with a merchant, all of which features are specifically recited features of independent Claim 41.

Applicant respectfully submits that Ross does not disclose or suggest the recited query regarding an available at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider. Applicant further submits that Ross does not disclose or suggest the recited receiver which receives the recited query. Applicant further submits that Ross does not disclose or suggest the recited query being transmitted from a communication device or computer associated with a merchant.

Applicant further submits that Ross does not disclose or suggest a processing device, wherein the processing device processes the query and generates a message in response to the query, wherein the message includes information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, and a transmitter, wherein the transmitter transmits the message to the communication device or computer associated with the merchant in response to the query, all of which features are still other specifically recited features of independent Claim 41.

Applicant respectfully submits that Ross does not disclose or suggest the recited query. Applicant further respectfully submits that Ross does not disclose or suggest the recited processing device which processes the recited query and which generates a message in response to the recited query. Applicant further submits that Ross does not disclose or suggest the recited transmitter which transmits the recited message to the communication device or computer associated with the merchant.

In view of the foregoing, Applicant respectfully

submits that Ross does not disclose or suggest many of the specifically recited features of independent Claim 41 and, therefore, Ross does not disclose or suggest all of the features of independent Claim 41.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 41, is patentable over Ross. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 41, is patentable over the prior art. Allowance of independent Claim 41 is, therefore, respectfully requested.

**IIA(2). CLAIM 42 IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claim 42, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 42, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 42 and, therefore, Ross does not disclose or suggest all of the features of Claim 42.

Claim 42 depends from independent Claim 41. Claim 42, therefore, incorporates all of the features of independent Claim 41. As noted above, Applicant respectfully submits that independent Claim 41 is patentable over Ross. Applicant further respectfully submits that Claim 42 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 42. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 41 over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 41, wherein the processing device processes information regarding a purchase by the merchant of advertisement space or advertisement services of the at least one content provider and an establishment of an affiliated marketing relationship between the merchant and the at least one content provider, all of which features are specifically recited features of Claim 42.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 42 and, therefore, Ross



does not disclose or suggest all of the features of Claim 42. In view of the foregoing, Applicant respectfully submits that Claim 42 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 42 is patentable over Ross. Applicant further respectfully submits that Claim 42 is patentable over the prior art. Allowance of Claim 42 is, therefore, respectfully requested.

IIA(3). CLAIM 43 IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 43, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 43, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 43 and, therefore, Ross does not disclose or suggest all of the features of Claim 43

Claim 43 depends from independent Claim 41. Claim 43, therefore, incorporates all of the features of independent Claim 41. As noted above, Applicant respectfully submits that independent Claim 41 is patentable over Ross. Applicant

further respectfully submits that Claim 43 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 43. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 41 over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 41, wherein the processing device processes information regarding a bid by the merchant for an advertisement space or an advertisement service offered by the at least one content provider, all of which features are specifically recited features of Claim 43.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 43 and, therefore, Ross does not disclose or suggest all of the features of Claim 43. In view of the foregoing, Applicant respectfully submits that Claim 43 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 43 is patentable over Ross. Applicant further respectfully submits

that Claim 43 is patentable over the prior art. Allowance of Claim 43 is, therefore, respectfully requested.

IIA(4). CLAIM 44 IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 44, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 44, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 44 and, therefore, Ross does not disclose or suggest all of the features of Claim 44.

Claim 44 depends from independent Claim 41. Claim 44, therefore, incorporates all of the features of independent Claim 41. As noted above, Applicant respectfully submits that independent Claim 41 is patentable over Ross. Applicant further respectfully submits that Claim 44 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 44. Applicant incorporates by reference herein the arguments

provided above in Section IIA(1), regarding the patentability of independent Claim 41 over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 41, wherein the processing device processes information regarding an auctioning of an advertisement space or advertisement service offered by the at least one content provider, all of which features are specifically recited features of Claim 44.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 44 and, therefore, Ross does not disclose or suggest all of the features of Claim 44. In view of the foregoing, Applicant respectfully submits that Claim 44 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 44 is patentable over Ross. Applicant further respectfully submits that Claim 44 is patentable over the prior art. Allowance of Claim 44 is, therefore, respectfully requested.

IIA(5). CLAIM 45 IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 45, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 45, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 45 and, therefore, Ross does not disclose or suggest all of the features of Claim 45.

Claim 45 depends from Claim 42, which Claim 42, in turn, depends from independent Claim 41. Claim 45, therefore, incorporates all of the features of independent Claim 41 and all of the features of Claim 42. As noted above, Applicant respectfully submits that independent Claim 41 and Claim 42 are patentable over Ross. Applicant further respectfully submits that Claim 45 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 45. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1) and IIA(2), regarding the patentability of independent Claim 41 and Claim 42,

respectively, over Ross, as if fully restated herein.

Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 42, wherein the database further comprises advertisement information associated with the merchant, and further wherein the transmitter transmits the advertisement information associated with the merchant to a computer associated with the at least one content provider, all of which features are specifically recited features of Claim 45.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 45 and, therefore, Ross does not disclose or suggest all of the features of Claim 45.

In view of the foregoing, Applicant respectfully submits that Claim 45 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 45 is patentable over Ross. Applicant further respectfully submits that Claim 45 is patentable over the prior art. Allowance of Claim 45 is, therefore, respectfully requested.

IIA(6). CLAIM 46 IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 46, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 46, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 46 and, therefore, Ross does not disclose or suggest all of the features of Claim 46.

Claim 46 depends from Claim 42, which Claim 42, in turn, depends from independent Claim 41. Claim 46, therefore, incorporates all of the features of independent Claim 41 and all of the features of Claim 42. As noted above, Applicant respectfully submits that independent Claim 41 and Claim 42 are patentable over Ross. Applicant further respectfully submits that Claim 46 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 46. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1) and IIA(2), regarding the patentability of independent Claim 41 and Claim 42,

respectively, over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 42, wherein the processing device calculates a commission or a referral fee due to a content provider under the affiliated marketing relationship, all of which features are specifically recited features of Claim 46.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 46 and, therefore, Ross does not disclose or suggest all of the features of Claim 46. In view of the foregoing, Applicant respectfully submits that Claim 46 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 46 is patentable over Ross. Applicant further respectfully submits that Claim 46 is patentable over the prior art. Allowance of Claim 46 is, therefore, respectfully requested.

**IIA(7). CLAIM 47 IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claim 47, is patentable over the prior art. Applicant respectfully submits that the present



invention, as defined by Claim 47, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 47 and, therefore, Ross does not disclose or suggest all of the features of Claim 47.

Claim 47 depends from independent Claim 41. Claim 47, therefore, incorporates all of the features of independent Claim 41. As noted above, Applicant respectfully submits that independent Claim 41 is patentable over Ross. Applicant further respectfully submits that Claim 47 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 47. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 41 over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 41, wherein the message includes information regarding at least one of a past success rate of an advertisement and a success rate of the at least one content provider, all of which features are specifically recited features of Claim 47.

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In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 47 and, therefore, Ross does not disclose or suggest all of the features of Claim 47. In view of the foregoing, Applicant respectfully submits that Claim 47 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 47 is patentable over Ross. Applicant further respectfully submits that Claim 47 is patentable over the prior art. Allowance of Claim 47 is, therefore, respectfully requested.

**IIA(8). CLAIM 48 IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claim 48, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 48, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 48 and, therefore, Ross does not disclose or suggest all of the features of Claim 48.

Claim 48 depends from Claim 42, which Claim 42, in

turn, depends from independent Claim 41. Claim 48, therefore, incorporates all of the features of independent Claim 41 and all of the features of Claim 42. As noted above, Applicant respectfully submits that independent Claim 41 and Claim 42 are patentable over Ross. Applicant further respectfully submits that Claim 48 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 48. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1) and IIA(2), regarding the patentability of independent Claim 41 and Claim 42, respectively, over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 42, wherein the processing device processes at least one of information regarding an individual consumer's activities, and web sites or links visited, utilized, or navigated, by the individual consumer in being brought into contact with a computer associated with the merchant, all of which features are specifically recited features of Claim 48.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the

specifically recited features of Claim 48 and, therefore, Ross does not disclose or suggest all of the features of Claim 48. In view of the foregoing, Applicant respectfully submits that Claim 48 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 48 is patentable over Ross. Applicant further respectfully submits that Claim 48 is patentable over the prior art. Allowance of Claim 48 is, therefore, respectfully requested.

**IIA(9). CLAIM 49 IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claim 49, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 49, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 49 and, therefore, Ross does not disclose or suggest all of the features of Claim 49.

Claim 49 depends from Claim 42, which Claim 42, in turn, depends from independent Claim 41. Claim 49, therefore, incorporates all of the features of independent Claim 41 and all of the features of Claim 42. As noted above, Applicant

respectfully submits that independent Claim 41 and Claim 42 are patentable over Ross. Applicant further respectfully submits that Claim 49 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 49. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1) and IIA(2), regarding the patentability of independent Claim 41 and Claim 42, respectively, over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 42, wherein the apparatus administers a financial account for the merchant or the at least one content provider, all of which features are specifically recited features of Claim 49.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 49 and, therefore, Ross does not disclose or suggest all of the features of Claim 49. In view of the foregoing, Applicant respectfully submits that Claim 49 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 49 is patentable over Ross. Applicant further respectfully submits

that Claim 49 is patentable over the prior art. Allowance of Claim 49 is, therefore, respectfully requested.

**IIA(10). CLAIM 50 IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claim 50, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 50, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 50 and, therefore, Ross does not disclose or suggest all of the features of Claim 50.

Claim 50 depends from Claim 42, which Claim 42, in turn, depends from independent Claim 41. Claim 50, therefore, incorporates all of the features of independent Claim 41 and all of the features of Claim 42. As noted above, Applicant respectfully submits that independent Claim 41 and Claim 42 are patentable over Ross. Applicant further respectfully submits that Claim 50 is patentable over Ross.

Applicant submits that Ross does not disclose or

suggest many of the specifically recited features of Claim 50. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1) and IIA(2), regarding the patentability of independent Claim 41 and Claim 42, respectively, over Ross, as if fully restated herein. Applicant respectfully submits that Ross does not disclose or suggest the apparatus of Claim 42, wherein the processing device at least one of processes a financial transaction for the merchant or the at least one content provider, effectuates a payment from the merchant to the at least one content provider, and receives a payment for the at least content provider, all of which features are specifically recited features of Claim 50.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 50 and, therefore, Ross does not disclose or suggest all of the features of Claim 50. In view of the foregoing, Applicant respectfully submits that Claim 50 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 50 is patentable over Ross. Applicant further respectfully submits that Claim 50 is patentable over the prior art. Allowance of Claim 50 is, therefore, respectfully requested.

IIA(11). CLAIM 51 IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 51, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 51, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 51 and, therefore, Ross does not disclose or suggest all of the features of Claim 51.

Claim 51 depends from independent Claim 41. Claim 51, therefore, incorporates all of the features of independent Claim 41. As noted above, Applicant respectfully submits that independent Claim 41 is patentable over Ross. Applicant further respectfully submits that Claim 51 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 41. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 41 over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not



disclose or suggest the apparatus of Claim 41, wherein the query is transmitted to the receiver on or over the Internet or the World Wide Web, all of which features are specifically recited features of Claim 51.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 51 and, therefore, Ross does not disclose or suggest all of the features of Claim 51. In view of the foregoing, Applicant respectfully submits that Claim 51 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 51 is patentable over Ross. Applicant further respectfully submits that Claim 51 is patentable over the prior art. Allowance of Claim 51 is, therefore, respectfully requested.

**IIA(12). CLAIM 52 IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claim 52, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 52, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 52

and, therefore, Ross does not disclose or suggest all of the features of Claim 52.

Claim 52 depends from independent Claim 41. Claim 52, therefore, incorporates all of the features of independent Claim 41. As noted above, Applicant respectfully submits that independent Claim 41 is patentable over Ross. Applicant further respectfully submits that Claim 52 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 52. Applicant incorporates by reference herein the arguments provided above in Section IIA(1), regarding the patentability of independent Claim 41 over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 41, wherein the message is transmitted to the communication device or computer associated with the merchant on or over the Internet or the World Wide Web, all of which features are specifically recited features of Claim 52.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the

specifically recited features of Claim 52 and, therefore, Ross does not disclose or suggest all of the features of Claim 52. In view of the foregoing, Applicant respectfully submits that Claim 52 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 52 is patentable over Ross. Applicant further respectfully submits that Claim 52 is patentable over the prior art. Allowance of Claim 52 is, therefore, respectfully requested.

**IIA(13). CLAIM 53 IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claim 53, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 53, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 53 and, therefore, Ross does not disclose or suggest all of the features of Claim 53.

Claim 53 depends from Claim 42, which Claim 42, in turn, depends from independent Claim 41. Claim 53, therefore, incorporates all of the features of independent Claim 41 and all of the features of Claim 42. As noted above, Applicant

respectfully submits that independent Claim 41 and Claim 42 are patentable over Ross. Applicant further respectfully submits that Claim 53 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 53. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1) and IIA(2), regarding the patentability of independent Claim 41 and Claim 42, respectively, over Ross, as if fully restated herein. Applicant further submits that Ross does not disclose or suggest the apparatus of Claim 42, wherein the transmitter transmits a transaction notification report containing information regarding an occurrence of a transaction pursuant to the affiliated marketing relationship and a commission or a referral fee due to the at least one content provider, wherein the transaction notification report is received by a communication device or computer associated with the at least one content provider, all of which features are specifically recited features of Claim 53.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 53 and, therefore, Ross

does not disclose or suggest all of the features of Claim 53. In view of the foregoing, Applicant respectfully submits that Claim 53 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 53 is patentable over Ross. Applicant further respectfully submits that Claim 53 is patentable over the prior art. Allowance of Claim 53 is, therefore, respectfully requested.

IIA(14). CLAIM 54 IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 54, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 54, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 54 and, therefore, Ross does not disclose or suggest all of the features of Claim 54.

Claim 54 depends from Claim 53, which Claim 53 depends from Claim 42, which Claim 42, in turn, depends from independent Claim 41. Claim 54, therefore, incorporates all of the features of independent Claim 41, all of the features of Claim 42, and all of the features of Claim 53. As noted

above, Applicant respectfully submits that independent Claim 41, and Claim 42 and Claim 53, are patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 53. Applicant incorporates by reference herein the arguments provided above in Sections IIA(1), IIA(2), and IIA(13), regarding the patentability of independent Claim 41, Claim 42, and Claim 53, respectively, over Ross, as if fully restated herein. Applicant further submits that Ross does not disclose or suggest the apparatus of Claim 53, wherein the transaction notification report includes at least one of a payment identifier, a credit card number, a charge card number, a debit card number, financial account identification information, and wire transfer information, for effecting payment of the commission or a referral fee to the content provider, all of which features are specifically recited features of Claim 54.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 54 and, therefore, Ross does not disclose or suggest all of the features of Claim 54. In view of the foregoing, Applicant respectfully submits that

Claim 54 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 54 is patentable over Ross. Applicant further submits that Claim 54 is patentable over the prior art. Allowance of Claim 54 is, therefore, respectfully requested.

**IIB. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 55-60,  
IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 55-60, is patentable over the prior art.

**II(B(1)). CLAIM 55 IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by independent Claim 55, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 55, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of independent Claim 55 and, therefore, Ross does not disclose or suggest all of the features of independent Claim 55.

Applicant respectfully submits that Ross does not disclose or suggest a computer-implemented method, comprising storing information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, and information for establishing an affiliated marketing relationship with the at least one content provider, and receiving a query regarding an available at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, wherein the query is transmitted from a communication device or computer associated with a merchant, all of which features are specifically recited features of independent Claim 55.

Applicant respectfully submits that Ross does not disclose or suggest the recited query regarding an available at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider. Applicant further submits that Ross does not disclose or suggest receiving the recited query. Applicant further submits that Ross does not disclose or suggest the



recited query being transmitted from a communication device or computer associated with a merchant.

Applicant further submits that Ross does not disclose or suggest processing the query with a processing device and generating a message in response to the query with the processing device, wherein the message includes information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, all of which features are still other specifically recited features of independent Claim 55.

Applicant respectfully submits that Ross does not disclose or suggest the recited query. Applicant further submits that Ross does not disclose or suggest processing the recited query with a processing device and generating a message in response to the recited query with the recited processing device.

Applicant further submits that Ross does not disclose or suggest transmitting the message to the communication device or computer associated with the merchant,

all of which features are still other specifically recited features of independent Claim 55.

As noted above, Ross does not disclose or suggest the recited query and the recited message in response to the recited query. Applicant further submits that Ross does not disclose or suggest transmitting the recited message to the communication device or computer associated with the merchant.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of independent Claim 55 and, therefore, Ross does not disclose or suggest all of the features of independent Claim 55.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 55, is patentable over Ross. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 55, is patentable over the prior art. Allowance of independent Claim 55 is, therefore, respectfully requested.

IIB(2). CLAIM 56 IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 56, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 56, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 56 and, therefore, Ross does not disclose or suggest all of the features of Claim 56.

Claim 56 depends from independent Claim 55. Claim 56, therefore, incorporates all of the features of independent Claim 55. As noted above, Applicant respectfully submits that independent Claim 55 is patentable over Ross. Applicant further respectfully submits that Claim 56 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 56. Applicant incorporates by reference herein the arguments provided above in Section IIB(1), regarding the patentability of independent Claim 55 over Ross, as if fully restated herein. Applicant further submits that Ross does not disclose or

suggest the apparatus of Claim 55, further comprising processing information regarding a purchase by the merchant of advertisement space or an advertisement service offered by the at least one content provider, and establishing an affiliated marketing relationship between the merchant and the at least one content provider, all of which features are specifically recited features of Claim 56.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 56 and, therefore, Ross does not disclose or suggest all of the features of Claim 56. In view of the foregoing, Applicant respectfully submits that Claim 56 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 56 is patentable over Ross. Applicant further respectfully submits that Claim 56 is patentable over the prior art. Allowance of Claim 56 is, therefore, respectfully requested.

**IIB(3). CLAIM 57 IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claim 57, is patentable over the prior art. Applicant respectfully submits that the present

invention, as defined by Claim 57, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 57 and, therefore, Ross does not disclose or suggest all of the features of Claim 57.

Claim 57 depends from independent Claim 55. Claim 57, therefore, incorporates all of the features of independent Claim 55. As noted above, Applicant respectfully submits that independent Claim 55 is patentable over Ross. Applicant further respectfully submits that Claim 57 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 57. Applicant incorporates by reference herein the arguments provided above in Sections IIB(1), regarding the patentability of independent Claim 55 over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 55, further comprising processing information regarding a bid by the merchant for an advertisement space or an advertisement service offered by the at least one content provider, all of which features are specifically recited features of Claim 57.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 57 and, therefore, Ross does not disclose or suggest all of the features of Claim 57. In view of the foregoing, Applicant respectfully submits that Claim 57 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 57 is patentable over Ross. Applicant further respectfully submits that Claim 57 is patentable over the prior art. Allowance of Claim 57 is, therefore, respectfully requested.

**IIB(4). CLAIM 58 IS PATENTABLE OVER ROSS:**

Applicant respectfully submits that the present invention, as defined by Claim 58, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 58, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 58 and, therefore, Ross does not disclose or suggest all of the features of Claim 58.

Claim 58 depends from independent Claim 55. Claim

58, therefore, incorporates all of the features of independent Claim 55. As noted above, Applicant respectfully submits that independent Claim 55 is patentable over Ross. Applicant further respectfully submits that Claim 58 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 58. Applicant incorporates by reference herein the arguments provided above in Section IIB(1), regarding the patentability of independent Claim 55 over Ross, as if fully restated herein. Applicant further respectfully submits that Ross does not disclose or suggest the apparatus of Claim 55, further comprising processing information regarding an auctioning of an advertisement space or advertisement services offered by the at least one content provider, all of which features are specifically recited features of Claim 58.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 58 and, therefore, Ross does not disclose or suggest all of the features of Claim 58. In view of the foregoing, Applicant respectfully submits that Claim 58 is not rendered unpatentable by Ross. In view of the

foregoing, Applicant respectfully submits that Claim 58 is patentable over Ross. Applicant further respectfully submits that Claim 58 is patentable over the prior art. Allowance of Claim 58 is, therefore, respectfully requested.

IIB(5). CLAIM 59 IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claim 59, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 59, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 59 and, therefore, Ross does not disclose or suggest all of the features of Claim 59.

Claim 59 depends from Claim 56, which Claim 56, in turn, depends from independent Claim 55. Claim 59, therefore, incorporates all of the features of independent Claim 55 and all of the features of Claim 56. As noted above, Applicant respectfully submits that independent Claim 55 and Claim 56 are patentable over Ross. Applicant further respectfully submits that Claim 59 is patentable over Ross.



Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 59. Applicant incorporates by reference herein the arguments provided above in Sections IIB(1) and IIB(2), regarding the patentability of independent Claim 55 and Claim 56, respectively, over Ross, as if fully restated herein. Applicant further submits that Ross does not disclose or suggest the apparatus of Claim 56, further comprising calculating a commission or a referral fee due to a content provider under the affiliated marketing relationship, all of which features are specifically recited features of Claim 59.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 59 and, therefore, Ross does not disclose or suggest all of the features of Claim 59. In view of the foregoing, Applicant respectfully submits that Claim 59 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 59 is patentable over Ross. Applicant further respectfully submits that Claim 59 is patentable over the prior art. Allowance of Claim 59 is, therefore, respectfully requested.

IIB(6). CLAIM 60 IS PATENTABLE OVER ROSS:

Applicant respectfully submits that the present invention, as defined by Claim 60, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by Claim 60, is patentable over Ross. Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 60 and, therefore, Ross does not disclose or suggest all of the features of Claim 60.

Claim 60 depends from Claim 56, which Claim 56, in turn, depends from independent Claim 55. Claim 60, therefore, incorporates all of the features of independent Claim 55 and all of the features of Claim 56. As noted above, Applicant respectfully submits that independent Claim 55 and Claim 56 are patentable over Ross. Applicant further respectfully submits that Claim 60 is patentable over Ross.

Applicant submits that Ross does not disclose or suggest many of the specifically recited features of Claim 60. Applicant incorporates by reference herein the arguments provided above in Sections IIB(1) and IIB(2), regarding the patentability of independent Claim 55 and Claim 56,

respectively, over Ross, as if fully restated herein.

Applicant further submits that Ross does not disclose or suggest the apparatus of Claim 56, further comprising at least one of processing a financial transaction for the merchant or the at least one content provider, effectuating a payment from the merchant to the at least one content provider, and receiving a payment for the at least content provider, all of which features are specifically recited features of Claim 60.

In view of the foregoing, Applicant respectfully submits that Ross does not disclose or suggest many of the specifically recited features of Claim 60 and, therefore, Ross does not disclose or suggest all of the features of Claim 60.

In view of the foregoing, Applicant respectfully submits that Claim 60 is not rendered unpatentable by Ross. In view of the foregoing, Applicant respectfully submits that Claim 60 is patentable over Ross. Applicant further respectfully submits that Claim 60 is patentable over the prior art. Allowance of Claim 60 is, therefore, respectfully requested.

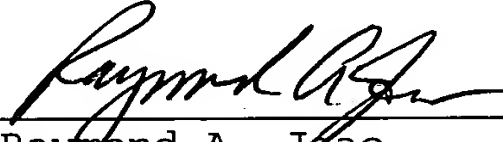
### III. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is

respectfully requested. Allowance of pending Claims 41-60, is respectfully requested.

Entry of this Supplemental Amendment and Reply to the Office Communication mailed November 3, 2004, as a complete response to, and as a complete reply to, the Office Action mailed May 6, 2004, is respectfully requested.

Respectfully Submitted,

  
Raymond A. Joao  
Reg. No. 35,907

Encls.: - Abstract of the Disclosure

December 1, 2004

Raymond A. Joao, Esq.  
122 Bellevue Place  
Yonkers, New York 10703  
(914) 969-2992

### ABSTRACT OF THE DISCLOSURE

An apparatus and method, including a database, a receiver for receiving a request regarding an available advertisement space, advertisement rate, commission, referral fee, or term or condition of an advertisement offering, offered by at least one content provider, wherein the request is transmitted from a communication device or computer associated with a merchant, a processing device for processing the request and generating a message in response to the request, wherein the message includes information regarding at least one of an advertisement space, advertisement rate, commission, referral fee, or term or condition of an advertisement offering, offered by at least one content provider, and a transmitter for transmitting the message to the communication device or computer associated with the merchant in response to the request.